

U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE		Name of Purchaser	
TIMBER SALE CONTRACT <i>(Applicable to Sales to be Scaled after Felling)</i>			
National Forest Flathead	Ranger District Spotted Bear	Region Northern	Contract Number
Sale Name Tin Mule Timber Sale		Award Date	Termination Date October 15, 2016

The parties to this contract are The United States of America, acting through the Forest Service, United States Department of Agriculture, hereinafter called Forest Service, and ^{1/} _____

a _____ hereinafter called Purchaser.

^{2/} Forest Service having advertised a sale at which either (1) Purchaser, whose required bid deposit is now held by Forest Service as an initial deposit, was the successful bidder, or (2) no bids were received and Purchaser having subsequently offered at least the minimum advertised price and made an initial deposit in the same amount as the bid deposit specified in the sale advertisement; and the parties hereto desiring to record their agreement; now therefore,

Unless provided otherwise herein, Forest Service agrees to sell and permit Purchaser to cut and remove Included Timber and Purchaser agrees to purchase, cut, and remove Included Timber.

This contract consists of three Divisions: A – Specific Conditions, B – Standard Provisions, and C – Special Provisions, together with Sale Area Map, Plans and specifications for developments (if any), and such attachments as may be provided for in Division B or Division C. Specific Conditions are numbered and apply to the Part, Section, Subsection, or Item of the Standard Provisions, as indicated hereunder. Other conditions of this contract are stated in Division C – Special Provisions.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the award date.

UNITED STATES OF AMERICA

By: _____

 Contracting Officer
 (Title)

Two Witnesses: ^{3/}

 (Name)

 (Address)

 (Name)

 (Address)

By: _____

 (Title)

 (Business Address)

I, ^{5/} _____, certify that I am the _____ Secretary of the corporation named as Purchaser herein; that _____ who signed this contract on behalf of Purchaser, was then _____ of the corporation; that the contract was duly signed for and in behalf of the corporation by authority of its governing body, and is within the scope of its corporate powers.

**CORPORATE
SEAL ^{6/}**

INSTRUCTIONS:

1/ If Purchaser is a corporation, state a "corporation organized and existing under the laws of the State of _____" and specify the State; if Purchaser is a partnership, state a "partnership consisting of _____" and specify the names of each partner; and if Purchaser is a sole proprietor doing business under an assumed name, state "(n) individual doing business under the name of _____, City of _____, State of _____."

2/ Delete this paragraph for unadvertised administrative use and timber settlement contracts.

3/ The signatures and addresses of two witnesses are required if Purchaser is other than a corporation.

4/ If Purchaser is a co-partnership, the signatures should be: XYZ Company, by John Doe, a member of the firm. If Purchaser is a corporation, form of signature should be: XYZ Company, by John Doe, President (or other officer or agent) and the seal of the corporation must be impressed or indicated.

5/ The certificate must be completed if Purchaser is a corporation.

6/ For companies incorporated in States that require a corporate seal, if the corporation has no corporate seal that fact shall be stated, in which case a scroll or adhesive seal shall follow the corporate name.

EXAMPLE 1/	
<u>Subcontractor Certification</u> <u>Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion</u>	
Timber Sale Name: _____ National Forest: _____	
The prospective subcontractor (participants in lower tier covered transactions) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this timber sale by any Federal department or agency.	
Where the prospective subcontractor is unable to certify to any of the statements in this certification, such prospective subcontractor shall attach an explanation to this proposal.	
Name of Subcontractor: _____ Business Address: _____ _____	
_____	_____
Date	Signature
<u>1/</u> It is Purchaser's responsibility to have Subcontractors complete this certification and to maintain a file of completed certifications. This certification does not need to be returned to Forest Service, except at the written request of Contracting Officer.	

The following conditions apply to the indicated portions of Division B – Standard Provisions issued 6/06.

A1 – Location and Area, applicable to B1.1

This Sale Area of 5734 acres more or less is located in: T25N, R15W, Sec. 7,18,19;
T25N, R16W, Sec. 1,12;
T26N, R16W, Sec. 14, 15,16,
21,22,23,24,25,26,27,28,36, P.M.M.
Flathead County, State of Montana

A2 – Volume Estimate and Utilization Standards, applicable to B2.1, B2.2, B2.4, and B6.4

Species	Product	Estimated Quantity	Unit of Measure	Minimum Specifications				
				Merchantable Tree		Piece Required to be Removed		
				Diameter Breast High (d.b.h.) (inches)	Number of Minimum Pieces per Tree	Length (feet)	Diameter Inside Bark at Small End (inches)	1/
Lodgepole Pine	Saw-timber	21,491	TONS	6.0	1	8.0	5.6	10.67
Douglas-fir and Other	Saw-timber	3,014	TONS	7.0	1	8.0	5.6	10.67
Combined Softwood	Non-Saw	17,539	TONS	4.0	1	16.0	2.5	N/A
Timber Subject to Agreement under C2.11#								
Total Quantity		42,044						

1/ Enter Merchantability Factor (Merch. Factor) or Net Scale in % of Gross Scale, whichever is appropriate.

A3 – Timber Designations, applicable to B2.3; acres are approximate:

	Number	Acres
Clearcutting Units (B2.31)		
Specified Road Clearing (B2.32)		
Overstory Removal Units (B2.33)		
Understory Removal Units (B2.34)		
Individual Trees (B2.35)		592
Incompletely Marked Timber (B2.36)		

A4 – Timber Payment Rates, applicable to B3.1 and B4.0

A4a – For Species and Products to be Paid for at Rates Escalated under B3.2

Species	Product	Unit of Measure	Rates per Unit of Measure					Base Index
			Base \$	Advertised \$	Bid Premium \$	Bid (Tentative) \$	Required Deposits Slash Disposal \$	

A4b – For Species and Products to be Paid for at Flat Rates

Species	Product	Unit of Measure	Rates per Unit of Measure				
			Base \$	Advertised \$	Bid Premium \$	Bid (Flat) \$	Required Deposits Slash Disposal \$
Lodgepole Pine	Saw-timber	TONS	1.14	2.80			0.82
Douglas-fir & Other	Saw-timber	TONS	1.14	2.80			0.82
Combined Softwood	Non-Saw	TONS	0.35	0.35			0.00

For purposes of convenience in collection and bookkeeping, Bid Rates stated in A4 include payment of deposits for sale area betterment required pursuant to 16 USC 576b. Such deposits are not included as Required Deposits defined hereunder.

The following definitions are established for the terms used in A4:

Base Rates are the lowest rates of payment for timber that are authorized by this contract. Base Rates remain constant throughout the life of this contract and are not subject to change by rate redetermination, except for reduction under B3.31, B3.32, or B3.33.

Advertised Rates are the minimum acceptable Bid Rates for timber, exclusive of Required Deposits. These rates are those indicated by appraisal, with a cost allowance made for construction of Specified Roads listed in A7, but are never less than Base Rates.

Bid Premium Rates are the amounts by which Purchaser's bid is in excess of Advertised Rates. The Bid Premium Rates are constant during this contract, except as provided in B3.31, B3.32, and B3.33.

Bid Rates are the rates bid by Purchaser (exclusive of Required Deposits for slash disposal, road maintenance, and contract scaling) and are the sum of Advertised Rates and Bid Premium Rates. Until a rate redetermination becomes effective, the Bid Rate for species and products in A4a is the Tentative Rate that is subject to quarterly adjustment under B3.2; for species and products in A4b, the Bid Rate is the Flat Rate.

Required Deposits are deposits that Purchaser may be required to pay for slash disposal (16 USC 490), road maintenance (16 USC 537), and contract scaling (1994 Appropriations Act). Required Deposits may be adjusted as part of a rate redetermination or a Contract Term Extension. The table shows only Required Deposits for slash disposal; road maintenance deposits, if any, are given in C5.32#; and contract scaling deposits, if any, are given in C6.816#.

Base Index is the specified average of the lumber or other product selling value index used as the basis for computing adjustment in rates for variance in product selling value, as provided in B3.2.

A5 – Indices Used in Quarterly Adjustment, applicable to B3.2

Species	Index Name and Date
N/A	N/A

A6 – High Stumps, applicable to B6.412

Species	Product	Maximum Stump Height (inches)
ALL	ALL	12"

A7 – Specified Roads, applicable to B5.2

Name and Date of Governing Road Specifications: Tin Mule Timber Sale Specification for Construction of Roads.
June 2012.

Project		Design Class	Approx. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Const. Staking ^{1/}
2831	Elam Creek Kah Mtn	15	5.49/8.84	1-7, 8-15 06/08/2012	FS	FS	FS(BC)
2831B	Kah Mtn Soldier Lake	15	3.77/6.07	1-7, 16-19 06/08/2012	FS	FS	FS(BC)

^{1/} Indicate timing, i.e., before clearing (BC) or after clearing (AC). Applicable to B5.212.

A8 – Forest Service Engineering Completion Schedule, applicable to B5.21

Road No.	Road Name	Type of Work	Completion Date
N/A	N/A	N/A	N/A

A9 – Scaling Instructions and Specifications, applicable to B6.8

Name and Date of Governing Instructions: FSH 2409.11A National Forest Log Scaling Handbook, as amended
And supplemented. And instructions provided in Provisions: C6.801, C6.822#, C6.823, C6.848, and C6.849.

Scaling Specifications					
Species	Product	Maximum Scaling Length (feet)	Trim Allowance		
			Diameter Range (inches)	Length Range (feet)	Trim Allowance (inches)
ALL	ALL	N/A	ALL	ALL	6

A10 – Scaling Services, applicable to B6.81

Species	Product	Unit of Measure	Site and Geographic Location	Method	Standard Estimated Cost per Unit \$
ALL	ALL	TON	Approved Locations with State certified scales meeting the requirements contained in B6.814.	Weight	\$0.00

A11 – Minimum Scaling Volumes, applicable to B6.81Minimum volume for Continuous Scaling Services in two-week period N/A per scalerMinimum volume for Intermittent Scaling Services N/A on a basis**A12 – Fire Precautionary Period**, applicable to B7.2May 1 to September 30, inclusive**A13 – Purchaser Responsibility to Furnish Crews and Equipment for:****Initial Fire Suppression**, applicable to B7.3Within 10 road miles**Fire Suppression Reinforcement**, applicable to B7.312 and B7.313Within 50 road miles**A14 – Purchaser's Obligation per Operations Fire**, applicable to B7.41Maximum Amount: \$ 6,600.00**A15 – Termination Date**, applicable to B8.2October 15, 2016**A16 – Normal Operating Season**, applicable to B6.31, B6.66, B8.21, and B9.3First Period: July 1 to September 30, inclusiveSecond Period: June 1 to June 30 (Units 16, 22), inclusive**A17 – Performance Bond**, applicable to B9.1Performance Bond Amount: \$ 26,000.00**A18 – Downpayment**, applicable to B4.211Downpayment Amount: \$ **A19 – Periodic Payment Amounts**, applicable to B4.213

	Periodic Payment Determination Date	Amount
Initial Payment:	<u>October 8, 2015</u>	\$ <u> </u>
Additional Payment:	<u>December 31, 2015</u>	\$ <u> </u>

A20 – Market-Related Contract Term Addition Producer Price Index, applicable to B8.212Index Name: Softwood Lumber Index Number: 0811

A21 – Inapplicable Standard Provisions

The following listed Sections, Subsections, or Items of Division B – Standard Provisions – are hereby made inapplicable. (Instructions: List by reference number and title.)

B4.211 Downpayment	B6.841 Route of Haul
B6.23 Protection of Land Survey Monuments	B6.85 Scaling Lost Products
B6.84 Accountability	B8.212 Market Related Contract Term Addition

A22 – List of Special Provisions

The following listed special provisions are attached to and made a part of this contract as Division C. Provisions with reference numbers followed by # contain blanks into which data have been entered for this sale. (Instructions: List by reference number, title, and date.)

C2.2# Utilization and Removal of Included Products (4/03)
C2.211# Optional Removal of Non-Sawtimber Products (1/07)
C2.303# Dead Trees (10/04)
C2.358# Individual Trees (Leave Tree Marking) (1/09)
C2.38# Species Designation (1/09)
C4.211 Downpayment (06/07)
C4.212 Temporary Reduction of Downpayment (08/09)
C4.225 Advanced Payment for Non-Sawtimber (5/12)
C4.228# Slash Disposal Deposit Schedule (2/09)
C4.25# Transfer of Purchaser Credit (4/04)
C5.102# Construction of Temporary Roads (2/97)
C5.12# Use of Roads by Purchaser (6/99)
C5.13# Road Completion Date (4/04)
C5.222# Stockpiled Material Sources (1/02)
C5.31# Road Maintenance Requirements (7/01)
____ C5.31#_T101 Surface Blading
____ C5.31#_T103 Dust Abatement
____ C5.31#_T301 Ditch Cleaning
____ C5.31#_T310 Minor Drainage Structures
____ C5.31#_T506 Clearing Roadway Vegetation
____ C5.31#_T507 Cutting Roadside Vegetation
____ C5.31#_T618 Major Drainage Structures
____ C5.31#_T619 Miscellaneous Structures
____ C5.31#_T710 Traffic Services
C5.314# Dust Abatement Treatment (2/02)
C5.314#_attach Dust Abatement Treatment-Attachment(2/02)
C5.316# Snow Removal (4/13)
C5.32# Road Maintenance Deposit Schedule (7/01)
C5.41# Closure to Use by Others (3/07)
C6.10 Prework Conference (10/04)
C6.23 Protection of Land Survey Monument (10/04)
C6.24# Site Specific Special Protection Measures (4/04)
C6.316# Limited Operating Period (5/05)
C6.33 Safety Attachment - Logging And Maintenance Operations Signing Standards (10/01)
C6.332 Safety (Timber Hauling) (10/04)
C6.339 Accident And Injury Notification (4/05)
C6.351# Washing Equipment. (7/07)
C6.4# Conduct of Logging (10/82)
C6.409# Scarification (1/86)
C6.42# Log Forwarding. (7/93)
C6.6 Erosion Prevention and Control (10/04)
C6.601# Erosion Control Seeding (3/07)
C6.632# Temporary Road and Tractor Road Obliteration (2/02)
C6.633# Temporary Road, Skid Trail/Skid Road and Landing Scarification (2/02)
C6.7 Hazard Reduction and Site Preparation (3/89)
C6.71 Change in Slash Treatment (3/90)
C6.711 Burning by Purchaser (10/79)
C6.753 Temporary Road Construction Slash Disposal (10/82)
C6.801 Scaling (Pulp Logs) (10/04)
C6.822# Presentation for Weight Scaling (4/13)
C6.823 Volume Determination (4/13)
C6.848 Weight Accountability For Split Pricing. (3/12)
C6.849 Route of Haul (4/13)
C7.2 Normal Precautions (2/02)
C7.21 Pump and Trailer (7/71)
C8.212 Market-Related Contract Term Addition (11/08)
C8.66# Use of Timber (4/04)

